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Submission to the Independent Review of the Impact of Liquor Law Reforms

The National Alliance for Action on Alcohol welcomes the opportunity to make a submission to the independent review of the impact of the NSW liquor law reforms.

The National Alliance for Action on Alcohol strongly supports the liquor law reforms announced by the NSW Government in January 2014. We commend the NSW Government's leadership in acting on the high level of concern about alcohol-related violence and other problems, and in implementing appropriate reforms to support a safer and healthier community.

The current review provides an important opportunity to reflect on the community safety benefits of the liquor law reforms and give serious consideration to strengthening the measures to benefit the broader NSW population.

About the National Alliance for Action on Alcohol

The National Alliance for Action on Alcohol (NAAA) is a national coalition representing more than 80 organisations from across Australia that has formed with one common goal: strengthening policy to reduce alcohol-related harm. The NAAA's members cover a diverse range of interests, including public health, law enforcement, local government, Aboriginal and Torres Strait Islander health, child and adolescent health, and family and community services.

The liquor law reforms

A package of reforms took effect in NSW in February 2014. The key reforms included the introduction of:

- 1.30am lock outs and 3am cessation of alcohol sales requirements on venues in the Sydney CBD Entertainment and Kings Cross Precincts;
- State-wide 10pm takeaway liquor restriction; and

- Periodic liquor licence fee scheme which applies to all liquor licenses in NSW.

We note the key objectives of these reforms, as outlined on page 3 of the Background Paper:

- a) Reduce alcohol-related violence and anti-social behaviour in the precincts;
- b) Improve the safety and general amenity in the precincts, particularly late at night; and
- c) Reinforce to the community that alcohol-fuelled violence will not be tolerated.

We also note the aim of the takeaway liquor restriction, as outlined on page 5 of the Background Paper: “The restriction aims to reduce the alcohol-related violence and other harms that can be associated with late night take-away liquor. It seeks to reduce risks associated with late night public drinking, and with impulse liquor buys made at that time.”

Evaluation evidence

We understand that those leading the review will have access to the available reports and other evidence which will inform the evaluation of the reforms. We will therefore only briefly summarise the key features of the relevant reports and available evidence.

As published in a NSW Bureau of Crime Statistics and Research (BOCSAR) bulletin (April 2015), Menendez et al¹ evaluated the impact of the reforms on the incidence of assault in the Kings Cross and Sydney CBD Entertainment Precincts. They identified statistically significant and substantial reductions in assault in both precincts (down 32% in Kings Cross and down 26% in the CBD). There was little evidence of displacement of assaults to other areas. The small increase in assaults at The Star casino was not statistically significant and was much smaller than the reduction in assaults in the Kings Cross and CBD precincts. A statistically significant reduction of 9% in assaults was identified across the rest of NSW.

In research published in the Medical Journal of Australia (November 2015), Fulde et al² investigated the impact of the liquor law reforms on emergency department attendances for alcohol-related serious injuries at St Vincent’s Hospital (which is located within the Sydney CBD Entertainment Precinct). Two time periods were analysed: the 12 months before the liquor law reforms were introduced, and the 12 months after their introduction. The study found a significant reduction in the number of seriously injured patients presenting to the emergency department after the introduction of the liquor law reforms. This reduction was seen throughout the week, and particularly during high alcohol times (6pm Friday to 6am Sunday).

It can be reasonably expected that the reductions in assaults and emergency department attendances identified by Menendez et al and Fulde et al have been associated with substantial cost savings to health and emergency services, as well as avoided pain and suffering to individuals, families and the broader community.

We note that the Background Paper summarises findings of the City of Sydney Late Night Management Areas Research project which suggested reduced pedestrian numbers in the target precincts following the liquor law reforms. However, the substantial methodological issues and other misleading features identified in the critique by Professor Peter Miller (Professor of Violence

¹ Menendez, Weatherburn, Kypri & Fitzgerald. Lockouts and last drinks: the impact of the January 2014 liquor licence reforms on assaults in NSW, Australia. NSW Bureau of Crime Statistics and Research, Crime and Justice Bulletin no. 183: April 2015.

² Fulde, Smith & Forster. (2015) Presentations with alcohol-related serious injury to a major Sydney trauma hospital after 2014 changes to liquor laws. Medical Journal of Australia, 203(9): 366.e1-366.e5.

Prevention and Addiction Studies at Deakin University) of the City of Sydney’s report are such that meaningful conclusions cannot be drawn from the report.³ In the context of the current review, it is appropriate to draw attention to Professor Miller’s concluding comment: “It is vital that public policy be driven by reputable and rigorous research. The City of Sydney report is none of the above and should be retracted before it does further harm”.

In considering the evidence presented to the review, we urge those undertaking the review to note the importance of sound methods used to collect and analyse data, an appropriate level of independence and ensuring that appropriate conclusions are drawn from the evidence. All evidence submitted should be held to the same high standard.

Key recommendations

On the basis of the available evidence, the National Alliance for Action on Alcohol would like to submit five key recommendations to the review of the NSW liquor law reforms:

1. **Retain the package of reform measures on the basis of the positive impacts achieved to date.**
2. **Strengthen community safety benefits by extending reform measures to the whole of NSW.**
3. **Maintain the 10pm takeaway liquor sales restriction across NSW.**
4. **We strongly caution against any relaxation of the reforms.**
5. **Maintain the risk-based liquor licence fee scheme.**

We provide further detail to support each of these recommendations below.

Recommendation One. Retain the package of reform measures on the basis of the positive impacts achieved to date.

The available evidence strongly suggests that the reform measures are achieving the key reform objectives; that is, reducing alcohol-related violence and improving community safety.⁴ The evaluation evidence clearly shows that the package of reform measures have had substantial positive impacts in terms of reduced incidence of assault in the target precincts and fewer alcohol-related serious injury and trauma emergency department presentations.

Maintaining the reform measures will be essential in order to maintain the reductions in alcohol-related violence and improved community safety.

As Menendez et al noted, the reduction in assaults following the reforms is consistent with the substantial volume of evidence which clearly shows that restrictions on liquor trading hours are effective in reducing alcohol-related problems such as violence.^{5,6} The ‘last drinks’ component of the

³ Miller, P. Flawed City of Sydney report fuels alcohol lobby. 7 Feb 2016. Available from: <http://www.smh.com.au/comment/flawed-city-of-sydney-report-fuels-alcohol-lobby-20160207-gmmmgg.html>

⁴ See Menendez et al. and Fulde et al. above.

⁵ Chikritzhs & Stockwell. (2002). The Impact of Later Trading Hours for Australian Public Houses (Hotels) on Levels of Violence. *Journal of Studies on Alcohol and Drugs* 63:591-599.

⁶ Stockwell & Chikritzhs. (2009). Do relaxed trading hours for bars and clubs mean more relaxed drinking? A review of international research on the impacts of changes to permitted hours of drinking. *Crime Prev Community Saf.* 11(3):153-170.

reforms is particularly important on the basis of the consistent evidence that longer licensed trading hours are associated with increased alcohol-related problems (including violence) and reduced liquor trading hours are associated with reduced alcohol-related problems.^{7,8}

As the reform measures were implemented as a package of interventions, it is not likely to be feasible to isolate the individual contributions of each measure to the overall reduction in assaults and emergency department presentations. For example, it is unlikely that the individual contributions of the 1.30am lock out and 3am cessation of alcohol sales could be teased out with a reasonable degree of accuracy. We therefore recommend maintaining the complete package of reform measures.

While the reductions in assault and emergency department presentations achieved to date are welcome and worthy of recognition, there continues to be cause for concern regarding alcohol-related harms in the target precincts and elsewhere; there is no room for complacency.

Recommendation Two. Strengthen community safety benefits by extending reform measures to the whole of NSW.

On the basis of the positive impacts achieved to date, there is a strong rationale for extending the reform measures to the whole of NSW.

Extending these sensible and modest measures can be expected to bring a range of important benefits, including: reducing alcohol-related violence and other harms across the broader NSW population; creating an equal playing field for all licensed venues; providing consistency for patrons; addressing the perception among some groups of possible displacement of problems to other locations; and strengthening the benefits achieved to date in the target precincts.

It is particularly noteworthy that the new measures to address alcohol-related violence in Queensland, which were supported by the Queensland Parliament in February 2016, will apply state-wide.⁹ We can expect these new laws to lead to important reductions in alcohol-related problems across the state. The state-wide application of these measures is a particularly important feature of Queensland's approach.

We note that the NSW reform measures allow for exemptions for some licenced venues. This includes the option for venues to apply for an exemption and the exemption of The Star casino. We encourage the review to carefully consider the existing exemptions to the reforms and remove the opportunity for exemptions as much as possible. Exemptions have the potential to weaken the overall impact of the measures to reduce alcohol-related violence; removing exemptions can be expected to strengthen the impact of the reform measures.

⁷ National Drug Research Institute, (2007). Restrictions on the sale and supply of alcohol: Evidence and outcomes. National Drug Research Institute, Curtin University of Technology: Perth.

⁸ Rossow & Norström. (2011). The impact of small changes in bar closing hours on violence. The Norwegian experience from 18 cities. *Addiction* 107:530---537.

⁹ Queensland Government. Media statement: Palaszczuk Government delivers on tackling alcohol-fuelled violence, 18 February 2016. Available from: <http://statements.qld.gov.au/Statement/2016/2/18/palaszczuk-government-delivers-on-tackling-alcoholfuelled-violence>

Recommendation Three. Maintain the 10pm takeaway liquor sales restriction across NSW.

We strongly support the continuation of the 10pm takeaway liquor sales restriction which applies across NSW. This is a very important initiative for two key reasons: it complements the measures which apply to on-premise licences (e.g. lock outs and last drinks) and will make a substantial independent contribution to reducing alcohol-related harms, including violence, across NSW.

The report by Menendez et al identified a statistically significant 9% reduction in assaults across the rest of NSW following the reforms. It is reasonable to expect that the restriction on takeaway liquor sales substantially contributed to the identified reduction in assaults.

The benefits achieved by this modest restriction on the availability of takeaway liquor are entirely consistent with the evidence about what works to prevent harm from alcohol; there is substantial evidence to support controls on the availability of packaged liquor through reduced off-premise trading hours as an effective measure to reduce harm from alcohol.¹⁰

Packaged liquor is of particular concern from a public health perspective. Packaged liquor accounts for a large proportion (80.5%) of alcohol sold in Australia.¹¹ Harm related to packaged liquor is likely to occur away from the liquor retail outlet. Packaged liquor contributes to a broad range of alcohol-related harms, including harms that occur in private homes (e.g. domestic violence) and long-term harms (e.g. chronic disease) as well as harms associated with the on-premise sector (e.g. night time entertainment districts) through pre-drinking.^{12,13} Pre-drinking has been identified as a significant challenge for licensed venues and contributes substantially to alcohol-related harms.¹⁴

The 10pm takeaway sales restriction is a very modest and appropriate restriction on access to packaged liquor. 10pm still allows plenty of hours when takeaway liquor may be purchased; it is therefore not reasonable to suggest that the modest restriction could cause any real inconvenience to the community.

We would like to emphasise the importance of maintaining the takeaway liquor sales restriction across NSW, including in rural and remote areas. Evidence shows rural communities experience substantial levels of alcohol harms and therefore controls on the availability of alcohol in rural and remote areas, as well as metropolitan areas, are very appropriate.¹⁵

Recommendation Four. We strongly caution against any relaxation of the reforms.

We commend the NSW Government on its action to date to address alcohol harms. The available evidence shows that the package of reform measures is achieving the important reform objectives of reducing alcohol-related violence and improving community safety.

¹⁰ For example, Hobday, Chikritzhs, Liang & Meuleners. (2015) The effect of alcohol outlets, sales and trading hours on alcohol-related injuries presenting at emergency departments in Perth, Australia, from 2002 to 2010. *Addiction*, 110(12): 1901-9.

¹¹ Euromonitor International. *Passport: Alcoholic drinks in Australia*. August 2013.

¹² Livingston M. 2013. To reduce alcohol-related harm we need to look beyond pubs and nightclubs. *Drug and Alcohol Review*; 32(2):113-114.

¹³ Liang & Chikritzhs. (2011) Revealing the link between licensed outlets and violence: counting venues versus measuring alcohol availability. *Drug and Alcohol Review*, 30(5):524-535.

¹⁴ Miller, Droste, De Groot et al. (2016) Correlates and motives of pre-drinking with intoxication and harm around licensed venues in two cities. *Drug and Alcohol Review*, 35: 177-186.

¹⁵ National Rural Health Alliance Inc. *Alcohol use in rural Australia [fact sheet]*. March 2014. Available from: <http://ruralhealth.org.au/sites/default/files/publications/nrha-factsheet-alcohol.pdf>.

We urge the review to prioritise community health and safety over commercial interests. We appreciate that the review will receive a range of views representing different interests. In considering the submissions, we urge the review to uphold the interests of public health and safety ahead of the commercial interests of the liquor and related industries. While we support a vibrant community with diverse and appealing entertainment options, it is essential that the focus on reducing alcohol-related violence and improving community safety is maintained.

Maintaining the benefits achieved to date requires that the reforms are maintained and strengthened. Any recommendations to change the existing reforms must be carefully assessed for their potential to weaken the measures currently in place or increase the availability of alcohol. Any relaxation of the reforms would be a backwards step that seriously risks losing the achievements to date.

Recommendation Five: Maintain the risk-based liquor licence fee scheme.

We strongly support the continuation of the risk-based approach to setting liquor licence fees. This approach recognises that certain types of licences and manners of trade (e.g. late trading hours) are associated with greater risks of alcohol-related harm and greater costs. We strongly support the aim of the scheme to ensure licensees make a fair and reasonable contribution to the cost of regulating the liquor industry. The operation of the risk-based liquor licence fee scheme in NSW provides an important model for other jurisdictions to follow.

Support for other submissions

We note that a number of individual member organisations of the NAAA will make submissions to the review. In particular, we would like to register the support of the NAAA for the submission of the Foundation for Alcohol Research and Education.

Conclusion

The liquor law reforms under review have made significant progress in achieving the key reform objectives of reducing alcohol-related violence and improving community safety. On the basis of this evidence, there is a clear rationale for maintaining the reforms and extending them to cover the whole of NSW.

The liquor law reforms implemented by the NSW Government represent important strategies within a comprehensive approach to reducing harm from alcohol. The reforms cannot be expected to fix all alcohol problems overnight, but have proven to be important steps in the right direction, resulting in important health and safety benefits for the community. There are further opportunities for state and federal government action to build on the success of the reforms to date; opportunities include carefully implemented reform of the alcohol taxation system, introducing a minimum price on alcohol and replacing industry self-regulation of alcohol advertising with strong, independent controls on all forms of alcohol marketing.

The liquor law reforms send an important message to the community that the NSW Government is serious about improving the health and safety of the NSW population, and have set an important

example for other jurisdictions seeking to implement effective measures to reduce harm from alcohol.

Yours sincerely,



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